

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Barta et al.)	Serial No. 10/705,555
)	
Appellant,)	Docket No. RSW920030177US1
)	
For: Generating Summaries for Software)	Art Unit 2192
Component Installation)	
)	Confirmation No. 5498
)	
Filed: November 10, 2003)	Examiner Wei

REPLY BRIEF

May 20, 2008

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed April 3, 2008, and in furtherance of the Appeal Brief filed on December 31, 2007.

The fees required under § 41.20(b)(23) were submitted with the Appeal Brief on December 31, 2007.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1208:

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I. Real Party In Interest

The real party in interest for this appeal is:

INTERNATIONAL BUSINESS MACHINES CORPORATION

II. Related Appeals and Interferences

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

The application included 33 claims. Claims 3, 14, and 25 have been canceled. Claims 1-2, 4-13, 15-24, and 26-33 are pending. No claims have been allowed. The examiner has rejected all pending claims. Claims 1-2, 4-13, 15-24, and 26-33 are appealed.

Claim	Type	Depends from	Status	Appealed
1	Independent		Rejected	Yes
2	Dependent	1	Rejected	Yes
3			Cancelled	No
4	Dependent	1	Rejected	Yes
5	Dependent	1	Rejected	Yes
6	Dependent	5	Rejected	Yes
7	Dependent	1	Rejected	Yes
8	Dependent	1	Rejected	Yes
9	Dependent	1	Rejected	Yes
10	Dependent	9	Rejected	Yes
11	Dependent	9	Rejected	Yes
12	Independent		Rejected	Yes
13	Dependent	12	Rejected	Yes
14			Cancelled	No
15	Dependent	12	Rejected	Yes
16	Dependent	12	Rejected	Yes

17	Dependent	16	Rejected	Yes
18	Dependent	12	Rejected	Yes
19	Dependent	12	Rejected	Yes
20	Dependent	12	Rejected	Yes
21	Dependent	20	Rejected	Yes
22	Dependent	20	Rejected	Yes
23	Independent		Rejected	Yes
24	Dependent	23	Rejected	Yes
25			Cancelled	No
26	Dependent	23	Rejected	Yes
27	Dependent	23	Rejected	Yes
28	Dependent	27	Rejected	Yes
29	Dependent	23	Rejected	Yes
30	Dependent	23	Rejected	Yes
31	Dependent	23	Rejected	Yes
32	Dependent	31	Rejected	Yes
33	Dependent	31	Rejected	Yes

IV. Status of Amendments

Claims 1, 4, 12, 15, 23 and 26 were amended on May 21, 2007. The amendments have been entered. There are no pending amendment.

V. Summary of Claimed Subject Matter

The following provides a concise explanation of the subject matter defined in each of the separately argued claims involved in the Appeal as required by 37 C.F.R. § 41.37(c)(1)(v). The features are identified by corresponding references to the specification and drawings where applicable. It should be noted that the citations to passages in the specification and drawings for each feature do not imply that the limitations from the specification and drawings should be read into the corresponding claim element. Rather, this summary is provided for the convenience of the Board.

Claim 1

Claim 1 recites a method for installing software components, comprising: initiating installation of components ([0012], line 3); selecting a level of detail to be reported regarding the status of components being installed ([0012], line 4); grouping each component with other components having the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group ([0038], lines 5-9); generating a report regarding status installation progress of the components being installed ([0012], lines 4-5); displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status ([0012], line 5, [0040], lines 1-3) ; and recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level ([0042], lines 1-5).

Claim 12

Claim 12 recites a software component installation system, comprising: means for initiating installation of components ([0012], line 3); means for selecting a level of detail to be reported regarding the status of components being installed ([0012], line 4); means for grouping each component with other components having substantially the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group ([0038], lines 5-9); means for generating a report regarding status installation progress of the components being installed ([0012], lines 4-5); means for displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status ([0012], line 5, [0040], lines 1-3); and means for recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level ([0042], lines 1-5).

Claim 23

Claim 23 recites "a computer program product of a computer readable medium usable with a programmable computer, the computer program product having computer-readable code embodied therein for installing software components, the computer-readable code comprising instructions for: initiating installation of components ([0012], line 3); selecting a level of detail to be reported regarding the status of components being installed ([0012], line 4); grouping each component with other components having substantially the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group ([0038], lines 5-9); generating a report regarding status installation

progress of the components being installed ([0012], lines 4-5); displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status ([0012], line 5, [0040], lines 1-3); and recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level ([0042], lines 1-5).

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-2, 4-13, 15-24, and 26-33 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Ziminewicz (United States patent 6,744,450B1) in view of Bourke-Dunphy (United States patent 6,918,112B2).

VII. Argument

Appellant incorporates by reference the Argument section (section VII) of the Appeal Brief filed December 31, 2007.

A. Response to Examiner's Arguments Presented in Examiner's Answer

In addition to the detailed arguments presented in Appellant's Appeal Brief of December 31, 2007, Appellant notes that the principal reference (Zimniewicz) relied upon by the Examiner is fundamentally different from the subject matter of independent claims 1, 12, and 23. Each of these claims is related to status reports regarding "components being installed." (Emphasis added). Thus, in all of these claims, the installation has already begun and is in progress when "a level of detail to be reported" is selected, and when the report is generated and displayed. In other words, the level of detail is selected, and the report is generated and displayed after "initiating installation of components" and while the installation is in progress.

Zimniewicz's selecting a "Scenario" is not the same as selecting a "level of detail"

In Zimniewicz, the "Display Scenario Selection Screen" and "Receive User Scenario Selection" steps (Zimniewicz Fig. 4b, steps 140-142), cited by the Examiner in the rejections of claims 1, 12, and 23 (Examiner's Answer p. 3) occur before installation even begins, and not while installation is in progress. This fact is clearly seen in the flow chart of Zimniewicz Fig. 4b. Note that steps 140-142 come before step 156 "Install Components." For this reason alone, steps 140-142 (and related text) of Zimniewicz does not teach the "components being installed" features of the independent claims. A step that occurs before a component is installed is not a step that relates to "components being installed."

Furthermore, in addition to the timing of steps 140-142 being different from that required by the claims, these steps are also substantively different than the “selecting a level of detail to be reported regarding the status of components being installed” step that the Examiner alleges is taught by steps 140-142. As explained in Zimniewicz 10:48 – 11:17, these steps relate to selecting an installation scenario, i.e. selecting which components from the suite to install. This is not “selecting a level of detail.” As explained in the specification at Par. [0046]-[0047], the “level of detail” refers to the degree of dependency of components being installed. This is completely different from the “scenario selections” of Zimniewicz, which relate to selecting components to be installed and not to the degree of dependency of components currently being installed. Accordingly, this is another reason why steps 140-142 of Zimniewicz are not the same or analogous to “selecting a level of detail to be reported regarding the status of components being installed.”

Zimniewicz’s “Display Programs Screen” is not the same as the claimed “report”

Claims 1, 12, and 23 recite “displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status.” The Examiner alleges such a report is taught by Zimniewicz’s Display Programs Screen at step 170 in Fig. 4c. Examiner’s Answer p. 5. However, the Display Programs Screen is not a report “identifying the components at the selected level of detail.” Rather, it simply “provides an indication of where in the process SIT is.” Zimniewicz 11:47-48. Zimniewicz, however, does not disclose that the Display Programs Screen shows components selected by the user based on their level of detail, or degree of dependency on other components. For at least this reason, the cited portion of Zimniewicz does not

teach “displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status” as required by the claims.

Zimniewicz’s “setup.sdb” file is not a “log”

Claims 1, 12, and 23 recite “recording a user’s selected preference for a level of granularity in a log.” The Examiner alleges that Zimniewicz’s setup.sdb file teaches this feature of the claims. Examiner’s Answer p. 4, *citing* Zimniewicz 6:34-49; Fig. 4a-4b steps 138, 140, 144 and related text. However, the cited portion of Zimniewicz makes clear that the setup.sdb file is not a log in which a user’s preferred level of granularity is recorded. The Zimniewicz system uses the setup.sdb file “to identify components and their available actions to be performed during the installation and setup.” Zimniewicz 6:42-44. By contrast, the log file of the claims is not used to “identify components and their available actions to be performed,” but rather determines the level of granularity to be displayed regarding the installation progress. In other words, unlike Zimniewicz’s setup.sdb file, the claimed log file has nothing to do with determining which components get installed; it only determines the level of detail regarding installation progress that gets displayed to the user. Par. [0050].

Conclusion

For at least the foregoing reasons, and contrary to the arguments presented in the Examiner’s Answer, Zimniewicz does not teach at least these features of claims 1, 12, and 23.

VIII. Claims Appendix

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A stand as written in the Amendment filed April 9, 2007.

IX. Evidence Appendix

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.


X. Related Proceedings Appendix

There are no related proceedings.

XI. Conclusion

For all of the foregoing reasons, Appellant respectfully requests that the rejections of the claims be reversed.

Respectfully submitted,



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APPENDIX A: CLAIMS

1. A method for installing software components, comprising:

initiating installation of components;

selecting a level of detail to be reported regarding the status of components being installed;

grouping each component with other components having the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group;

generating a report regarding status installation progress of the components being installed;

displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status; and

recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level.

2. The method of claim 1, further comprising accessing a semantic model, the semantic model comprising an indication of a dependency of a component to be installed upon any other component.

3. Canceled.

4. The method of claim 1, wherein:

each grouping corresponds to a selectable level of detail; and
displaying the portion of the report comprises displaying the components
in the group corresponding to the selected level of detail and the components in
groups higher than the group corresponding to the selected level of detail.

5. The method of claim 1, wherein generating the report comprises generating a tree-like
structure having at a highest level branch those components to be installed with the
greatest number of dependent components and having at a lowest level branch those
components to be installed with the fewest number of dependent components.

6. The method of claim 5, wherein displaying the portion of the report comprises
displaying the branches of the tree-like structure corresponding to the selected level of
detail and those branches having a higher level.

7. The method of claim 1, wherein selecting a level of detail comprises accessing a log
file for a user, the log file including a user-selected detail level preference.

8. The method of claim 1, wherein selecting a level of detail comprises accessing a log
file for a user, the log file including a detail level generated from past selections by the
user.

9. The method of claim 1, wherein displaying the status of installation progress comprises displaying each of a plurality of status characteristics with a different visual indicator.
10. The method of claim 9, wherein the different visual indicators comprise different colors.
11. The method of claim 9, wherein the status characteristics are selected from the group comprising pending, in progress, successfully completed and error.
12. A software component installation system, comprising:
- means for initiating installation of components;
 - means for selecting a level of detail to be reported regarding the status of components being installed;
 - means for grouping each component with other components having substantially the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group;
 - means for generating a report regarding status installation progress of the components being installed;
 - means for displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status;
 - and

means for recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level.

13. The system of claim 12, further means for comprising accessing a semantic model, the semantic model comprising an indication of a dependency of a component to be installed upon any other component.

14. Canceled.

15. The system of claim 12, wherein:

each grouping corresponds to a selectable level of detail; and

the means for displaying the portion of the report comprises means for displaying the components in the group corresponding to the selected level of detail and the components in groups higher than the group corresponding to the selected level of detail.

16. The system of claim 12, wherein the means for generating the report comprises means for generating a tree-like structure having at a highest level branch those components to be installed with the greatest number of dependent components and having at a lowest level branch those components to be installed with the fewest number of dependent components.

17. The system of claim 16, wherein the means for displaying the portion of the report comprises means for displaying the branches of the tree-like structure corresponding to the selected level of detail and those branches having a higher level.
18. The system of claim 12, wherein the means for selecting a level of detail comprises means for accessing a log file for a user, the log file including a user-selected detail level preference.
19. The system of claim 12, wherein selecting the means for a level of detail comprises means for accessing a log file for a user, the log file including a detail level generated from past selections by the user.
20. The system of claim 12, wherein the means for displaying the status of installation progress comprises means for displaying each of a plurality of status characteristics with a different visual indicator.
21. The system of claim 20, wherein the different visual indicators comprise different colors.
22. The system of claim 20, wherein the status characteristics are selected from the group comprising pending, in progress, successfully completed and error.

23. A computer program product of a computer readable medium usable with a programmable computer, the computer program product having computer-readable code embodied therein for installing software components, the computer-readable code comprising instructions for:

initiating installation of components;

selecting a level of detail to be reported regarding the status of components being installed;

grouping each component with other components having substantially the same number of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group;

generating a report regarding status installation progress of the components being installed;

displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status; and

recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level.

24. The computer program product of claim 23, further comprising instructions for accessing a semantic model, the semantic model comprising an indication of a dependency of a component to be installed upon any other component.

25. Canceled.

26. The computer program product of claim 23, wherein:

each grouping corresponds to a selectable level of detail; and
the instructions for displaying the portion of the report comprise instructions for displaying the components in the group corresponding to the selected level of detail and the components in groups higher than the group corresponding to the selected level of detail.

27. The computer program product of claim 23, wherein the instructions for generating the report comprise instructions for generating a tree-like structure having at a highest level branch those components to be installed with the greatest number of dependent components and having at a lowest level branch those components to be installed with the fewest number of dependent components.

28. The computer program product of claim 27, wherein the instructions for displaying the portion of the report comprise instructions for displaying the branches of the tree-like structure corresponding to the selected level of detail and those branches having a higher level.

29. The computer program product of claim 23, wherein selecting a level of detail comprises accessing a log file for a user, the log file including a user-selected detail level preference.

30. The computer program product of claim 23, wherein selecting a level of detail comprises accessing a log file for a user, the log file including a detail level generated from past selections by the user.

31. The computer program product of claim 23, wherein the instructions for displaying the status of installation progress comprise instructions for displaying each of a plurality of status characteristics with a different visual indicator.

32. The computer program product of claim 31, wherein the different visual indicators comprise different colors.

33. The computer program product of claim 31, wherein the status characteristics are selected from the group comprising pending, in progress, successfully completed and error.

Appendix B: Evidence

No evidence pursuant to §§ 1.130, 1.131, or 1.132 is being submitted.

No evidence relied upon by the Examiner is being submitted.

Appendix C: Related Proceedings

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.